

THE TREATY.

Continuation of the Treaty Correspondence.

Whipping the Diplomatic Demon Round the Supplemental Stamp.

America's Full Grounds for Pressing Indirect Claims to Judgment.

TEXT OF THE SENATE'S AMENDMENT.

Granville's Arrogant Dictation—Prefers His Own Draft.

Fish's Cutting Counter-Criticisms.

The Uncertainties of Language When Agreement is Not Intended.

Is the Pursuit of the Cruisers an Indirect Claim?

England's Attempt to Limit the Proposed Rule in International Law.

The Secretary of State Angrily Telegraphs That He is Perfectly Composed.

A Makeshift Supplemental Proposed to the Supplemental.

How England Failed to Ratify the Article.

Spicy Details of Cabinet Backsliding and Friendly Relations.

WASHINGTON, June 23, 1872.

The documents embracing the correspondence on the subject of the Treaty of Washington are very voluminous. The first communication is a telegram from General Schenck to Secretary Fish, dated February 2, 1872, in which he says:

"I have the honor to acknowledge the receipt of your letter of the 21st inst., in relation to the claims for indirect damages, as not within the intention of the treaty. Am exerting myself with hopes to prevent anything rash or excessive being done or said by this government. Ours is here co-operating."

Secretary Fish on the same day telegraphed to General Schenck:

"There must be no withdrawal. Counsel will argue the case as prepared unless they show to this government reasons for a change. The alarm you speak of does not reach us. We are perfectly calm and content to await news and do not anticipate repudiation on the other side."

Next in order follows

THE "FRIENDLY INTENT"

of Earl Granville, in which it is stated:

"Her Majesty's government holds that it is not within the power of the treaty to claim indirect damages at Geneva to decide upon the claims for indirect losses."

All the correspondence which followed this note up to the 10th of May has been published, with the exception of what is hereinafter noted, namely:

Despatches from General Schenck to Secretary Fish, dated respectively the 10th and 22nd of February, in the latter of which General Schenck says:

"Granville informed me confidentially, last night, that Thornton had telegraphed him that the Washington Cabinet had rejected your draft of a reply to his note and taken some time to consider, but that you have suggested he should make some proposal. He then said to me that in his note of the 21st he had stated that the United States government was not to the indirect claims; that there were other portions of the American case they regretted, and some of which they were anxious to discuss, but he referred to the reference that he has not been able to consult the cabinet here, but is individually prepared to recommend to them and thinks with reasonable expectation of success. But they should not press for the withdrawal of the American case if the government of the United States will undertake that their agent shall inform the arbitrators at Geneva before the meeting in June that the United States do not ask an award

on the indirect claims, nor that such claims should be taken as an element of consideration in the gross award, nor brought forward in case of reference to arbitrators. I may have been wrong, but this was only equivalent to asking us to withdraw our case, and I gave an intimation of belief that it would be accepted."

Secretary Fish telegraphed to Minister Schenck in reply that the reported rejection was untrue; that entire unanimity prevailed; that the answer was then being copied, and that

EARL GRANVILLE'S STATIONERY WAS INADMISSIBLE.

The next telegram is from Minister Schenck to Secretary Fish, giving the change of language that Earl Granville desired in an agreement between the two countries as to indirect damages. To which Mr. Fish replied by telegram on February 22:

"I cannot agree to Granville's proposal as made. I desire to meet the British government in any honorable adjustment of the incidental question which has arisen. On the other hand, I desire to see the British Commissioners may have intended or thought among themselves that they did not intend to withdraw their case, and after the negotiations of the United States government were closed, Lord Granville and the British Commissioners allowed them to be formally enumerated in the statement of the 4th of May without a word of dissent. General Schenck, in his conversation with Earl Granville, who assumed that what was the most desirable desired was that

A PRECISION OF THE WHOLE QUESTION and extent of the liability of a neutral should be arrived at, so that the rule and the law for all might be known. In the future, I desire to see the United States government and the British Commissioners allowed them to be formally enumerated in the statement of the 4th of May without a word of dissent. General Schenck, in his conversation with Earl Granville, who assumed that what was the most desirable desired was that

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ment does not see that the interests of this government

to desire a judgment

on the "indirect" claims, that they fall to do

justice to the sincerity of purpose in the interests

of the future harmony of the two

nations which has led the United States

to these claims before the tribunal at Geneva.

I need not repeat to you the earnestness of the

President's desire to prevent a failure of the arbitration

or any repudiation of the treaty, which is so

hopeful of beneficial results. Nor need I urge you

to continued efforts by all that is in your power,

consistently with the dignity of this nation,

to bring about an honorable and satisfactory

settlement between the two governments on this question,

which has been, as it appears to me, so unnecessary

and unwelcome, to the imminent peril of an

important treaty.

This correspondence continued until the 10th of

May, when Lord Granville brought to Mr. Schenck

in person the draft of an additional article to the

treaty, which has already been published and acted

on by the Senate. On the 14th of May General

Schenck wrote to Secretary Fish, the letter having

been received on the 27th of May, a connected history

of what has transpired between that time and

the last, and given a summary of the correspondence

with Lord Granville as to the position of the question.

Lord Granville, on the 29th of May, said it

would save time in case of the treaty being

accepted if he were to prepare a form of notes

from Her Majesty's government and the government

of the United States, communicating the

treaty to the Tribunal of Arbitration at Geneva,

which he accordingly prepared. General Schenck

submitted this form to Mr. Fish by telegraph; so

that if the occasion should come no time might be

lost in having it ready, as agreed on. Mr. Fish on

the 25th of May informed General Schenck that the

object of the United States in retaining the indirect

claims before the Tribunal was,

First.—THE RIGHT UNDER THE TREATY

to present them.

Second.—To have them disposed of and removed

from further controversy.

Third.—To obtain a decision either for or against

the liability of a neutral for claims of that description.

Fourth.—If the liability of a neutral for such claims

is admitted in the future, then to insist on payment

for Great Britain for those of the past.

Fifth.—Having a case against Great Britain, to

have the same principle apply to it that may in the

future be invoked against the United States.

Secretary Fish telegraphed to General Schenck

May 26 as follows:

The President having requested an expression by

the Senate of their disposition in regard to

advising and consenting to the formal adoption of the

article proposed by Great Britain, and which, as

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national liability for indirect losses, established for

the future; that that principle is the equivalent or

consideration of basing from a demand before

the Tribunal of Arbitration on account of indirect

losses; that, in the event of the adoption of the

article, the presentation of indirect claims against

the United States on account of indirect losses, while

the article is in force, will be well to have an

understanding in order to save time, in case

the government accept the alterations made

in the article, and that I should not have to

re-prepare a note to the arbitrators. In reply I told him

that it was useless to discuss either while his govern-

ment is contemplating any change in the

article, and that the Senate had agreed to

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America, having resolved to conclude a convention

on the terms of the article hereinafter set forth, in

order that the same may be communicated to the

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